IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.3378 OF 2001

1.Dr.Mohammed Ishaque Fakir Mohd.
Barmare and Ors. ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Mr.Mubin Solkar h/f Mr.H.A.Solkar, Advs. for the Applicants.

CORAM: J.H.BHATIA, J.
DATE : 8th January, 2007.

P.C.:

1. After some arguments, Mr.Mubin Solkar, the learned counsel for Applicants seeks liberty to withdraw this application so that the Applicant may move an appropriate application before the concerned Additional Chief Metropolitan Magistrate seeking discharge in Criminal Case No.541/P/2000 pending before the Additional Chief Metropolitan Magistrate, 5th Court, Dadar. He makes a request that till decision of the application for discharge and if needs be, till the decision of the which revision he may be required to file, proceedings of the said criminal case may be continued to be stayed as per the orders passed by this Court earlier.

2. Heard Mr.Gavanekar, the learned counsel for

respondent no.2 also. In the interest of justice and taking into consideration relations between the parties, liberty granted and the petitioner's application stands disposed off as withdrawn with liberty to move an application before the concerned Additional Chief Metropolitan Magistrate seeking discharge from the criminal case. In case, discharge application is filed within a period of two weeks, the proceeding of the said Criminal Case No.541-P-2000 shall remain stayed till the decision of the application for discharge and in case, that application is rejected, the stay shall continue for a further period of four weeks to give opportunity to the applicants to prefer a revision against the said order.

3. Application stands disposed off accordingly.

(J.H.Bhatia,J.)